

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CRIMINAL APPLICATION No. 1317 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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VINUBHA BALVANTSINH - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

THROUGH JAIL for Applicant(s) : 1,
PUBLIC PROSECUTOR for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 13/07/2007

ORAL JUDGMENT

Rule. Shri DA Desai, ld. APP waives service of
rule on behalf of respondent State.

Present application has been filed by the convict Vinubha Balvantsinh through jail for releasing him on parole for a period of 30 days, so as to enable him to prefer an appeal before the Hon'ble Supreme Court challenging the judgment and order passed by this Court dated 30-4-2007 in dismissing the appeal and confirming the conviction. On considering the order dated 22-6-2007, it appears that while rejecting the application of the convict for releasing him on parole, the authority has considered that earlier the convict has surrendered late by 2870 days. It is to be noted that it is true that the petitioner convict has surrendered late by 2870 days. However, that has happened in 2002 and thereafter, the convict was released on furlough for a period of 14 days for the period between 10-11-06 and 23-11-06 and the convict has surrendered within the time. Under the circumstances, when subsequently the convict was released on furlough and he has surrendered within time, the earlier late surrender would become inconsequential. Under the circumstances and considering the cause shown, the convict is directed to be released on parole for a period of 30 days, so as to enable the convict to prefer an appeal before the Hon'ble Supreme Court and manage to prefer appeal before the Hon'ble Supreme Court. The convict to be released on parole from 23-7-07 for a period of 30 days thereafter on usual terms and condition of parole and that the convict shall furnish his address at the time of release and mark his presence of every Monday and Friday at the nearest Police Station. The convict to surrender with the police authority on completion of 30 days of parole. Rule made absolute.

(M.R. Shah, J.)

shekhar/-